IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 30265 of 2007(C)

PETITIONER:

THRITHALA SERVICE CO-OPERATIVE BANK LTD.
NO.P-593, P.B.NO.1 P.O.THRITHALA,
PALAKKAD - 679 534. REPRESENTED BY ITS
SECRETARY.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

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1. THE COMMERCIAL TAX OFFICER, PATTAMBI,
PALAKKAD.

2. THE DEPUTY COMMISSIONER (APPEALS),
ERNAKULAM.

3. INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, PALAKKAD.

BY GOVT. PLEADER MR. GOVINDAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 30265 OF 2007 C
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Dated this the 11th October, 2007

J U D G M E N T

Aggrieved by Exts. P1 and P2 orders of assessment for 2003-2004 and 2004-2005, petitioner has filed Exts. P3 and P4 appeals together with Exts. P5 and P6 stay petitions. Simultaneously, against Ext. P7 order of penalty, Ext. P8 appeal has been filed along with Ext. P9 application for stay. Although orders have not been passed in the appeals or the stay petitions, by Ext. P10 series petitioner has been called upon to pay the amounts due in terms of the aforesaid orders. It is at that stage this writ petition has been filed.

2. I heard the learned Govt. Pleader also.

3. Now that the appeals are pending along with the stay petitions, it is only appropriate that before the petitioner is called upon to make payment of the amounts due under the orders appealed against, at least the stay petition should be decided.

4. Accordingly, I dispose of this writ petition directing that the 2nd respondent shall consider and

pass orders on Exts. P5, P6 and P9 stay petitions within three weeks from the date of receipt of a copy of this judgment. Until orders are passed as above on the stay petitions, further proceedings pursuant to Ext. P10 series shall be kept in abeyance.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

ANTONY DOMINIC
JUDGE

jan/-